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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,281	10/07/2003	Josef Giessler	029777-016	4015

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DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON, DC 20005-1209

EXAMINER

HOWELL, DANIEL W

ART UNIT PAPER NUMBER

3722

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/679,281

Applicant(s)

GIESSLER, JOSEF

Examiner

Daniel W. Howell

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) ☐ Notice of Informal Patent Application (PTO-152) |
| 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6-29-04</u> . | 6) ☐ Other: ____. |

Art Unit: 3722

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4-13, and 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese 63-306820. The tap of figure 1 has a gate portion roughly at 7a, a guide portion roughly at 7, and flutes/longitudinal passages 4. Coolant flows through channel 5 to the front of the tap. Diversion element 10 diverts the fluid from channel 5 to the flutes 4. As seen in figure 1, the element 10 partially covers the flutes 4, and it completely covers the core of the tap. As shown in figures 1 and 3-7, circumferentially spaced lateral connecting lines 12 connect the channel and passages, there being one recess for each flute. The element 10 is considered to constitute a disk. It is considered to be inherent that the tap is made of a hard metal.

3. Claims 1, 2, 4-6, 9-13, 15, and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese 2-100820. Thread forming tap 2 has three longitudinal passages roughly at 10 in figure 2, a central coolant passage 6, and a diverting element 7. Lateral connecting lines 9 lead the coolant from the passage 6 to each of the longitudinal passages. As seen from figure 2, the element 7 extends beyond the core and partially covers passages 10. The diversion element of figure 5 constitutes a disk having a flat face. It is considered to be inherent that the tap is made of a hard metal.

4. Claims 1-6, 9-11, 13, 15-17, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by German 3,307,555. Figures 1-3 show a tap having a gate portion and guide portion, plus flutes 5a, b, c. Coolant channel 3 runs to the front of the tool, and diversion

Art Unit: 3722

element 8 deflects the coolant to each of the flutes. As seen from figure 2, the element 8 includes three lateral connecting lines 12a, b, c, which correspond to each of the flutes. As seen from figure 2, the diversion element completely covers the core and each of the flutes. It is considered to be inherent that the tap is made of a hard metal.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese 63-306820. Figure 2 shows threads or a projection 14 which may be used to secure the diversion element 10 to the front of the tap. It is considered to have been obvious to have secured the diversion element to the tap with a common weld in order to prevent accidental loss of the piece.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese 2-100820. It is considered to have been obvious to have welded the disk of figure 5 to the front end of the thread forming tool as clearly such a sort of attachment is required in order to firmly secure the element on the tool.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over German '555. It is considered to have been obvious to have welded member 8 to the front end of the tap as clearly such a sort of attachment is required in order to firmly secure the element on the tool.

9. Any inquiry concerning the content of this communication from the examiner should be directed to Daniel Howell, whose telephone number is 571-272-4478. The examiner's office hours are typically about 10 am until 6:30 pm, Monday through Friday. The examiner's supervisor, Derris Banks, may be reached at 571-272-4419.

Art Unit: 3722

In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office actions directly into the Group at FAX number to 571-273-8300. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Daniel Howell of Art Unit 3722 at the top of your cover sheet.

A handwritten signature in cursive script, appearing to read 'Howell', is positioned above the printed name.

Daniel W. Howell
Primary Examiner
Art Unit 3722